

Administrative Order



Administrative Order No.: 7-20

Title: Disposal of Unclaimed Personal Property

Ordered: 11/5/1985

Effective: 11/5/1985

AUTHORITY:

Chapters of the Florida Statutes cited herein Section 4.02 of the Metropolitan Dade county Charter.

SUPERSEDES:

This administrative order supersedes previous Administrative Order 7-20, effective date 5-1-79.

POLICY:

County departments or County employees become involved in the handling of the personal property of residents or visitors of the County in a number of different ways. It is the policy of the County that such property is to be handled and disposed of in a secure manner and in keeping with applicable State statutes. Wherever possible and practical, property is to be returned to the owner(s) of the property; otherwise, it is to be retained for use by the County or by other governmental or not-for-profit agencies designated by the County, sold or auctioned, or disposed of in a safe and sanitary manner.

PURPOSE:

The purposes of this administrative order are to:

1. clearly differentiate between classes or types of personal property and the disposal policies and procedures associated with each;
2. identify the specific State statutes controlling the handling and disposition of particular kinds of property; and
3. clarify and assign responsibilities in connection with the handling and disposal

of unclaimed personal property.

TYPES OF PROPERTY:

DEFINITIONS:

For the purposes of this administrative order, the following classifications and definitions apply:

Abandoned Property - Abandoned property is that personal property over which the owner, by outward signs (if the property has been “left to the elements”, for example), has knowingly or deliberately relinquished controlled possession. Such property usually has little or no value. Personal property left behind by tenants, other paying guests or sub-tenants, whether in private or publicly-owned accommodations (including public housing), and meeting this criterion is also considered as having been abandoned.

Contraband - “Contraband” not only includes drugs (“controlled substances”), drug and gambling paraphernalia, and materials used in violation of State beverage or tobacco laws, but also includes personal property used or aiding in the commission of a felony.

Custody Property - “Custody” property is that personal property held for safekeeping for or on behalf of its owner(s), held for court proceedings, or seized as evidence, whether actually used as evidence or not.

Lost/Found Property - “Lost” property is that personal property found in public places (places “open to the public”, including business premises) and over which, by all outward signs or appearances, its owner has involuntarily or inadvertently lost controlled possession, and would wish to have returned. (See S.S. 715.01(1).)

Tangible/Intangible Property - “Intangible” property is cash money or any paper which is the equivalent of money, represents a claim for money, or is convertible into money. “Tangible” property is all other personal property.

Weapons and Firearms - (Self-explanatory)

AUTHORIZED DISPOSITION AGENTS:

GENERAL SERVICES ADMINISTRATION:

For those classes of personal property the proceeds of which, if sold, go to the General Fund, the General Services Administration (GSA) is the County's authorized disposition agent.

The following types of property are included:

- all "lost/found" tangible property;
- all tangible personal property used as evidence in court or seized with the prospect of being used as evidence, whether actually used as evidence or not; and
- all tangible property of any cash or utilitarian value held in custody or safekeeping for the owner(s) by a County agency.

FINANCE DEPARTMENT:

The Finance Department is the County's disposition agent for all "lost/found" intangible property, and all such unclaimed property is to be turned over to that department after the requisite holding period.

METRO-DADE POLICE DEPARTMENT:

The Metro-Dade Police Department (MDPD) is the County's authorized disposition agent for the following types of property:

- all "contraband" property, and
- all weapons and firearms.

The two categories are pre-emptive of other categories, so that if contraband, weapons or firearms are "found" or used or seized as evidence, MDPD will be the disposition agent, and not GSA.

PUBLIC WORKS DEPARTMENT:

The Public Works Department is the County's disposition agent for all "abandoned" tangible personal property, other than property covered under the Disposition of Personal Property Landlord and Tenant ACT (Section 715.10, State Statutes).

STATE DEPARTMENT OF BANKING AND FINANCE:

The Florida State Department of Banking and finance is the disposition agent for all unclaimed intangible property held in custody for another person by an officer, court or agency of the County.

OTHER COUNTY DEPARTMENTS:

Any County department or agency serving as a repository for personal property found by employees of the department or as a custodian of property for tenants, clients (except residents of nursing homes and related health care facilities) or inmates, is authorized to dispose of any such property deemed to have neither any appreciable cash value redeemable by auction nor any appreciable use value to any County department, provided that the requisite claim period has elapsed, and that the procedures outlined below have been followed.

PROCEDURES: LOST/FOUND PROPERTY:

By State law, unclaimed personal property, whether tangible or intangible, that is found in public places by county employees in the course of their County duties becomes County property, and not the property of the employee finding the property (Sec. 715.01(2), State Statutes). Employees finding such personal property during the course of their jobs are to turn the property into the department's Property Custodian (as defined by A.O. 8-2). Departments only infrequently experiencing such situations may turn such tangible property over to GSA, and such intangible property over to the Finance Department, for safekeeping and eventual disposition if there is no immediate knowledge of the possible identity or whereabouts of the owner(s) of the property. Intangible property found in places that do not fall under the definition of "public" places, but which it is determined should be secured for safekeeping purposes, is to be treated as custody property.

County Departments as Repositories - Departments in which employees relatively frequently find lost property (MDTA and Parks and Recreation, for example) and other departments electing to do so are to ascertain that GSA is aware that they are acting as custodians of found property and to maintain any such property in a secure manner until a valid claim is made for the property, or for six months, whichever is shorter. GSA will be responsible for evaluating departments' facilities and procedures for securing the property and to recommend such changes or modifications as may be deemed necessary to ensure that the property is held in a secure manner. Departments are to keep records of the found property turned in by employees and the disposition of the property.

Tenant Property - Property deemed to have been "lost" by former tenants or other paying guests is to be handled in accordance with the Disposition of Personal Property Landlord and Tenant Act (Sec. 715.10, State Statutes), and disposed of as outlined below.

Notification to Owner - During the required holding period, departments are expected to make reasonable attempts to identify the owner(s) of the property, particularly where the property has any appreciable value, and to inform the owner(s) as to how to go about (re)claiming the property and the consequences of not doing so within the allotted time period. Such notification may be by any practical direct means, up to

and including first-class mail.

Claim Period - Owners of "lost/found" property are to have six months in which to claim their property.

DISPOSITION OF FOUND PROPERTY:

Found property which has gone unclaimed for at least six months may be disposed of as follows:

- Unclaimed property deemed to be of no cash or use value to the County or other governmental or charitable agency may be summarily disposed of or destroyed in any manner that is safe, sanitary and legal and which leaves no hazardous or contaminating residue not in accord with applicable environmental regulations. (Departments may instead choose to accumulate a quantity of such property and call the GSA Property Control Officer to make the determinations.)
- Unclaimed property with no appreciable cash value and no appreciable use value to any County department may be retained by the finding department for use by its clients or donated to other governmental or charitable organizations for use by their clients, at the discretion of the department director. Where there is question as to the potential use value to another County department, or as to the potential cash value, inquiry should be made to the GSA Property Control Officer.
- Unclaimed property having a use value to the finding department, or to another County department, exceeding its probable sale value may be retained by the finding department or recommended for assignment to another department, upon notification by memorandum to GSA. Except in the case of police custody property, this disposition is subject to their being a greater need for the property elsewhere in the County, as determined by GSA.
- Unclaimed but active credit cards, identification cards, and the like, which are not returned to their owners are to be returned to the bank or agency controlling the card(s) in question. Any such expired cards are to be destroyed, as are all driver's licenses and license plates which are not returned to their owners.
- Unclaimed property not covered by any of the above and of any appreciable cash value is to be disposed of by GSA, whether by destruction, assignment, donation, auction, or sale. Transfer of found or custody property from MDPD to GSA for disposition or sale will be by memorandum, at such times and/or frequencies as are mutually convenient to them.

PROCEDURES: CUSTODY PROPERTY

Custody property is to be handled as indicated above for “lost/found” property, with the following modifications or differences:

Nursing Homes - Property of residents of nursing homes and related health care facilities is covered separately, under Section 400.162, State Statutes.

Receipt in Writing - The department taking custody of the property is to acknowledge in writing the receipt of the property. Where feasible, the owner or his or her agent is to be notified of the location and circumstances or conditions under which the property is being held and can be (re)claimed, the consequences if the property is not claimed as provided for, and the owner or agent’s signature obtained in acknowledgment of the foregoing.

Intangible Custody Property - All intangible personal property in the custody of a court or held for the owner(s) by a County agency and remaining unclaimed must be held for a period of seven years, with regular reports forwarded to the State Department of Banking and Finance, as per Section 717.12 of the State Statutes. Departments only infrequently experiencing this obligation may request the Finance Department to take custody of the intangible property. The department or agency actually holding the property secure is responsible for making the necessary reports to the State Department of Banking and Finance. Intangible property encountered by a County employee in a non-public place, but brought in for safekeeping purposes, is included here.

Claim Period - (Tangible Custody Property) Owners of their agents are to have 60 days from the date on which the property becomes claimable, or on which services to the owner are terminated, to claim their property. This applies to tangible custody property only. (See above for procedures applying to intangible custody property, and immediately below for exceptions to 60-day claim period for tangible custody property).

Exceptions to 60-day Claim Period:

Personal tangible or intangible property taken into custody by the Metro-Dade Police or any other department for “safe-keeping” purposes, and not as evidence, and found in a “public” place.

1. Inmate personal property of obvious cash, use or sentimental value.

These two classes of “custody” property are to be treated as if they were lost or found property, with a six-month claim period. Inmate property of no apparent value, however, may be disposed of as provided for above if unclaimed within 60 days of the inmate’s release from custody.

Intangible property found in a non-public place but brought in for safekeeping purposes falls under S.S. 717.12.

PROCEDURES: CONTRABAND, FIREARMS AND WEAPONS:

Sections 893.12, 932.703-4 and 790.08 of the State Statutes apply to the disposition of contraband drugs, articles and weapons and firearms, respectively.

Proceeds from the sale of property forfeited to the County under S.S. 932.703-4 and other statutes go to the law Enforcement Trust Fund; however, property retained for use by MDPD or recommended by MDPD for use by other County departments falls under the purview of A.O. 8-2, and GSA is to be advised of all retentions and transfers of Forfeited property.

SALE OF PROPERTY:

GSA and MDPD are authorized to advertise and to carry out auctions or sales of unclaimed property for which they are the authorized disposition agent and ownership of which has devolved to the County. The auctions or sales may be carried out at such times and such frequency as GSA or MDPD in their discretion deem it economical and functional to do, or as otherwise authorized or directed by the County Manager, the County Commission, or the Courts.

This administrative order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

M. R. Stierheim

County Manager